

FORM PTO-1390 (REV. 11-2000)		U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE		ATTORNEY'S DOCKET NUMBER <b>Le A 33 162</b>	
<b>TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371</b>				U.S. APPLICATION NO. (If known, see 37 CFR 1.5) <b>09/869668</b>	
INTERNATIONAL APPLICATION NO. <b>PCT/EP99/10110</b>		INTERNATIONAL FILING DATE <b>20 December 1999 (20.12.99)</b>		PRIORITY DATE CLAIMED <b>30 December 1998 (30.12.98)</b>	
TITLE OF INVENTION <b>USE OF SUBSTITUTED 4-BIARYLBUTYRIC AND 5-BIARYLPENTANOIC ACID DERIVATIVES AS MATRIX METALLOPROTEASE INHIBITORS FOR THE TREATMENT OF RESPIRATORY DISEASES</b>					
APPLICANT(S) FOR DO/EO/US <b>FITZGERALD, et al.</b>					
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:					
<ol style="list-style-type: none"><li>1. <input checked="" type="checkbox"/> This is a <b>FIRST</b> submission of items concerning a filing under 35 U.S.C. 371.</li><li>2. <input type="checkbox"/> This is a <b>SECOND</b> or <b>SUBSEQUENT</b> submission of items concerning a filing under 35 U.S.C. 371.</li><li>3. <input checked="" type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.</li><li>4. <input checked="" type="checkbox"/> The US has been elected by the expiration of 19 months from the priority date (Article 31).</li><li>5. <input checked="" type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2))<ol style="list-style-type: none"><li>a. <input checked="" type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau).</li><li>b. <input type="checkbox"/> has been communicated by the International Bureau.</li><li>c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US).</li></ol></li><li>6. <input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2))<ol style="list-style-type: none"><li>a. <input type="checkbox"/> is attached hereto.</li><li>b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4).</li></ol></li><li>7. <input checked="" type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))<ol style="list-style-type: none"><li>a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau).</li><li>b. <input type="checkbox"/> have been communicated by the International Bureau.</li><li>c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.</li><li>d. <input checked="" type="checkbox"/> have not been made and will not be made.</li></ol></li><li>8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371 (c)(3)).</li><li>9. <input type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).</li><li>10. <input type="checkbox"/> An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).</li></ol>					
Items 11 to 20 below concern document(s) or information included:					
<ol style="list-style-type: none"><li>11. <input checked="" type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.</li><li>12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.</li><li>13. <input checked="" type="checkbox"/> A <b>FIRST</b> preliminary amendment.</li><li>14. <input type="checkbox"/> A <b>SECOND</b> or <b>SUBSEQUENT</b> preliminary amendment.</li><li>15. <input type="checkbox"/> A substitute specification.</li><li>16. <input type="checkbox"/> A change of power of attorney and/or address letter.</li><li>17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 35 U.S.C. 1.821 - 1.825.</li><li>18. <input type="checkbox"/> A second copy of the published international application under 35 U.S.C. 154(d)(4).</li><li>19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).</li><li>20. <input checked="" type="checkbox"/> Other items or information:<ol style="list-style-type: none"><li>1) Certificate of Mailing under 37 C.F.R. 1.10;</li><li>2) Transmittal of Information Disclosure Statement under 37 C.F.R. 1.97(b);</li><li>3) Information Disclosure Citation (Modified Form PTO-1449) and references cited therein</li><li>4) Return Receipt Postcard.</li></ol></li></ol>					
Date of Deposit: JUN 29 2001 Express Mail Label No.: EK662544689US					

U.S. APPLICATION NO. <b>09/869668</b> INTERNATIONAL APPLICATION NO. <b>PCT/EP99/10110</b>		ATTORNEY'S DOCKET NUMBER <b>Le A 33 162</b>																										
21. <input checked="" type="checkbox"/> The following fees are submitted: <b>BASIC NATIONAL FEE (37 CFR 1.492 (a) (1) - (5)):</b> Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO. .... \$1000.00  International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO ..... \$860.00  International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO ..... \$710.00  International preliminary examination fee (37 CFR 1.482) paid to USPTO but all claims did not satisfy provisions of PCT Article 33(1)-(4) ..... \$690.00  International preliminary examination fee (37 CFR 1.482) paid to USPTO and all claims satisfied provisions of PCT Article 33(1)-(4) ..... \$100.00 <b>ENTER APPROPRIATE BASIC FEE AMOUNT =</b>		<b>CALCULATIONS PTO USE ONLY</b>																										
Surcharge of \$130.00 for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(e)).		\$ 860.00																										
<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 20%;">CLAIMS</th> <th style="width: 20%;">NUMBER FILED</th> <th style="width: 20%;">NUMBER EXTRA</th> <th style="width: 20%;">RATE</th> <th style="width: 20%;">\$</th> </tr> </thead> <tbody> <tr> <td>Total claims</td> <td>22 - 20 =</td> <td>2</td> <td>x \$18.00</td> <td>\$ 36.00</td> </tr> <tr> <td>Independent claims</td> <td>9 - 3 =</td> <td>6</td> <td>x \$80.00</td> <td>\$ 480.00</td> </tr> <tr> <td colspan="3">MULTIPLE DEPENDENT CLAIM(S) (if applicable)</td> <td>+ \$270.00</td> <td>\$ 270.00</td> </tr> <tr> <td colspan="4"><b>TOTAL OF ABOVE CALCULATIONS =</b></td> <td>\$ 1,646.00</td> </tr> </tbody> </table>		CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	\$	Total claims	22 - 20 =	2	x \$18.00	\$ 36.00	Independent claims	9 - 3 =	6	x \$80.00	\$ 480.00	MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$270.00	\$ 270.00	<b>TOTAL OF ABOVE CALCULATIONS =</b>				\$ 1,646.00	\$	
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<b>TOTAL OF ABOVE CALCULATIONS =</b>				\$ 1,646.00																								
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.		\$																										
<b>SUBTOTAL =</b>		\$ 1,646.00																										
Processing fee of \$130.00 for furnishing the English translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(f)).		\$																										
<b>TOTAL NATIONAL FEE =</b>		\$ 1,646.00																										
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property +		\$																										
<b>TOTAL FEES ENCLOSED =</b>		\$ 1,646.00																										
		Amount to be refunded: \$																										
		charged: \$																										
a. <input type="checkbox"/> A check in the amount of \$ _____ to cover the above fees is enclosed.  b. <input checked="" type="checkbox"/> Please charge my Deposit Account No. <b>13-3372</b> in the amount of \$ <b>1,646.00</b> to cover the above fees. A duplicate copy of this sheet is enclosed.  c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <b>13-3372</b> . A duplicate copy of this sheet is enclosed.  d. <input type="checkbox"/> Fees are to be charged to a credit card. <b>WARNING:</b> Information on this form may become public. <b>Credit card</b> <b>information should not be included on this form.</b> Provide credit card information and authorization on PTO-2038.																												
<b>NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137 (a) or (b)) must be filed and granted to restore the application to pending status.</b>																												
SEND ALL CORRESPONDENCE TO:  <b>Jeffrey M. Greenman</b> <b>Vice President, Patents and Licensing</b> <b>Bayer Corporation</b> <b>400 Morgan Lane</b> <b>West Haven, CT 06516</b>																												
		<div style="text-align: center;">             SIGNATURE  <b>Jerrie L. Chiu</b>            NAME  <b>41,670</b>            REGISTRATION NUMBER         </div>																										

530 Rec'd PCT/PTC 29 JUN 2001

Attorney's Docket No. Le A 33 162

09/869668  
JC18 Rec'd PCT/PTO 29 JUN 2001

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Fitzgerald, et al.

Serial No.: National Stage Filing of PCT/EP99/10110

Filed: herewith

For: Use of Substituted 4-Biarylbutyric and 5-Biarylpentanoic Acid Derivatives as Matrix Metalloprotease Inhibitors for the Treatment of Respiratory Diseases

BOX PCT  
Assistant Commissioner for Patents  
Washington, D.C. 20231

CERTIFICATE OF MAILING UNDER 37 CFR 1.10

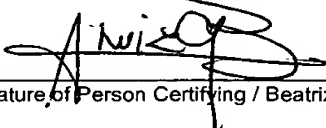
I hereby certify that the *attached* correspondence comprising:

- Transmittal Letter to the United States Designated/Elected Office (DO/EO/US) Concerning a Filing under 35 U.S.C. 371 [IN DUPLICATE];
- Preliminary Amendment;
- Copy of the International Application as filed (35 U.S.C. 371(c)(2));
- Information Disclosure Statement under 37 C.F.R. 1.97 and 1.98 consisting of Transmittal of Information Disclosure Statement under 37 C.F.R. 1.97(b), Information Disclosure Citation (Modified Form PTO-1449) and copies of references cited therein; and
- Return Receipt Post Card.

is, on the date shown below, being deposited with the United States Postal Service, in an envelope as "Express Mail Post Office to Addressee" Mailing Label Number EK662544689US, addressed to:

Box PCT  
Assistant Commissioner for Patents  
Washington, D.C. 20231

29 June 2001  
Date

  
Signature of Person Certifying / Beatriz Alviz